

ARTICLE 4

APPLICATION OF REGULATIONS

SECTION 4-1. Conformity of Buildings and Land. Except as provided in Chapter 665 of the Acts of 1956 as now in force or hereafter amended or in this code, no structure or land shall be used or occupied, and no structure or part thereof shall be erected, reconstructed, extended, or altered except in conformity with the regulations specified in this code for the district in which it is located; provided, however, that nothing in this code shall prevent the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by the Building Commissioner or any other board or officer authorized by law to do so.

SECTION 4-2. Structure or Use Approved Prior to Effective Date of Code. Nothing herein contained shall affect any structure or use for which a building or use permit is lawfully issued prior to the effective date of this code; provided, that construction work under such building permit, or occupancy under such use permit, is commenced within six months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances; and provided further that all construction work is completed within two years from the effective date of this code and in accordance with the building permit as in effect on said effective date.

↔**SECTION 4-2A. Applicability of MER District Provisions.** Within an MER District, the provisions of the Boston Zoning Code adopted in Text Amendment No. 110, effective August 30, 1988, do not apply to a use, building, or structure that:

- a. (i) prior to August 30, 1988, existed or was under construction on a privately-owned lot, or was under construction or was designated to be constructed on a lot owned by a public agency; (ii) was the subject of a contract, designation, or lease or other property interest that was executed, voted, or conveyed by the public agency or private owners, as the case may be, prior to August 30, 1988; and, (iii) in the case of a use, building, or structure on a lot owned by a public agency, was approved by the public agency prior to August 30, 1988; and, further,
- b. (i) does not preclude the lot on which such use, building, or structure is located from being converted to maritime-dependent industrial uses; (ii) does not deter viable economic maritime-dependent industrial uses of adjacent port lands; and (iii) devotes more than fifty percent (50%) of the area of such lot to maritime-dependent industrial uses; provided that the total lot area devoted to maritime-dependent industrial uses and water-related uses is not less than seventy-five percent (75%) of the area of such lot; and provided further, that the

remaining twenty-five percent (25%) of the total lot area shall be subject to use regulations applicable to W-2 subdistricts pursuant to Section 8-7, Table A.

(↔As inserted on August 30, 1988)

SECTION 4-3. **Building or Use Permit Required.** It shall be unlawful to use, or permit the use of, any land or structure or part thereof hereafter erected, or altered wholly or partly, or the yards or other open spaces of which are in any way reduced, until the Building Commissioner shall have certified on the building permit, or if no building permit is needed, shall have issued a use permit specifying, the use to which the land or the structure upon being sufficiently completed to comply with the provisions and regulations relating thereto, may be put.